23-

# מדינת ישראל

משרדי הממשלה

Qalanswa village

S/D Tul-Karem

Arable land 1938-1947





23-

No. GP/5/18(23)

Block 7878
Parcel 7

# DEPARTMENT OF LANDS & SURVEYS.

Arable Land - Qalanswa Village
Tulkarm S/D.

574

GPP. 7717—5000—20-3-59

| BRING FORWARD | | BRING FORWARD | |
|---|---|---|---|
| FOLIO | DATE | FOLIO | DATE |
| | | | |

No. GP/5/18(23)

COPY

KEREN KAYEMETH LEISRAEL LTD.
P. O. Box 283, Jerusalem.

24th July, 1947.

Director,
Land Settlement & Water Commissioner,
P. O. Box 189 - Jerusalem.

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Sir,

We are in receipt of your letters Nos.GP/5/18(23) dated 11th July, 1947, and No.SD/4(9) dated 22nd July, 1947, in which you inform us that Government takes the view that any legal action necessary for the eviction of trespassers should be taken by us.

2. It is our view that the trespass on part of the land not having occurred subsequent to the delivery of the land to ourselves, the undertaking by Government, as contained in the Deed of Exchange signed by His Excellency the High Commissioner, to grant to us the land free from encumbrance, has not been fulfilled, and that the present attitude of Government is contrary to the spirit of the agreement of the 22nd May, 1946, signed by Government and by ourselves. Moreover, Government would be in a better position to prove the trespass and to obtain an order of eviction than we would be.

3. We note that Government does not agree to overcome the formal difficulty of an action by the registered owner by the grant of a Power of Attorney by ourselves. Without prejudice therefore to our right for clear possession under the said agreement, we would be prepared to participate in an action to be brought jointly by Government and ourselves as plaintiffs, so that the Magistrate trying the action could dispose of any allegations of prior possession by leave of Government. Such action would also make it evident that it is Government's desire to deliver possession, and would defeat all tactics designed to drag us into lengthy proceedings.

4. In our letter of May 12, 1947, we have informed you that 866 dunums were uncultivated and therefore could be handed over immediately, and in your letter of 19th May, 1947, you agreed with our figures of cultivation. It is with great regret that we mention the fact that although Government had agreed to our figures it did not take any step towards handing over these lands to us. Moreover, on the occasion of the abortive taking over on 13th January, 1947, we were requested by Mr. Thorne-Thorne, who was present on the scene, to discontinue the act of taking possession.

5. No action for the eviction of trespassers is required in respect of land which is uncultivated, in respect of which not even an allegation of trespass can be made, and no defendants can be named.

6. We would, therefore, ask you to fix an early date for the delivery of the above uncultivated land, and of any other areas which may be uncultivated, and on the date fixed we shall be prepared with the necessary means of cultivation to take over the entire area within a short time.

We are, Sir,
Yours faithfully,

(Sgd.) Joseph Weiz.

NB. Original on SD/4(9). Secur File.

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Director.

Qagun and Qalansuwa.

If action is to be taken under Article 24 of the Ottoman Law, it would have to be brought in the name of Government. But if action is brought under Section 3(c) of the Magistrates Courts Jurisdiction Ordinance, 1939, the action could be brought in the name of the K.K.L.S. as, for the purpose of maintaining an action under this Section, it is not necessary for the Plaintiff ever to have been in possession.

(see Civil Appeal No.37 of 1945)
PLR No.12 of 1945.

J. Kennedy

10th July, 1947.

P.

41

GP/5/18(23)

43

11th July, 1947.

Gentlemen,

I refer to your letter No.B23832 dated 17th June, 1947, and beg to inform you that I referred this question to Government and I have been instructed to reply to you that any legal action necessary for the eviction of trespassers should be taken by the Keren Kayemet Leisrael Ltd.

I am, Gentlemen,
Your obedient servant.

R. F. JARDINE

DIRECTOR OF LAND SETTLEMENT
& WATER COMMISSIONER.

Messrs. The
Keren Kayemet Leisrael Ltd.,
P.O.B. 283,
Jerusalem.

Copy to Chief Secretary.
Ref.his file SF/116/47.

" " District Commissioner,
Samaria District.

RFJ/P

Seen.
11/7/47.

GOVERNMENT OF PALESTINE

IN REPLY PLEASE QUOTE
No. GP/5/18(23)

DEPT. OF LAND SETTLEMENT.
AND WATER COMMISSIONER.
JERUSALEM.
P. O. B. 189 — TEL. 4497.

11th July, 1947.

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Jerusalem.

Copy to Chief Secretary.
Ref.his file SF/116/47.

" " District Commissioner,
Samaria District.

RFJ/P

GP/5/18(23)

11th July, 1947.

Gentlemen,

I refer to your letter No.323832 dated 17th June, 1947, and beg to inform you that I referred this question to Government and I have been instructed to reply to you that any legal action necessary for the eviction of trespassers should be taken by the Keren Kayemet Leisrael Ltd.

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DIRECTOR OF LAND SETTLEMENT
& WATER COMMISSIONER.

Messrs. The
Keren Kayemet Leisrael Ltd.,
P.O.B. 283,
Jerusalem.

Copy to Chief Secretary.
Ref.his file SF/116/47.

" " District Commissioner,
Samaria District.

RFJ/P

46

GP/5/18(23) CHIEF SECRETARY'S FILE
NO. SF/116/47.

10th July, 1947.

Chief Secretary.

39

Reference your SF/116/47 of 8th July, 1947. My recollection of the Executive Council meeting was that whilst His Excellency decided that "nothing should be done" - a decision to which I for one humbly but warmly added my support - it was not decided that the appropriate action in this case was the same as in the Beisan case. In the Beisan case, the K.K.L. are the registered owners and Government was not in the legal position to go to Court. But in the Qaqun and Qalansuwa cases, Government is the owner and the K.K.L. is a very temporary lessee. I believe that in this position the K.K.L. would find it difficult in Court, since they were never given possession by the Government. But the chief point is that having given the K.K.L. a lease, and being now unable to give them possession, I feel that for me to reply to the K.K.L. that they must go to Court and turn the trespassers out, would be to display myself in a rather curmudgeonly attitude. However, after discussing the matter again with Messrs. Hogan and Fletcher-Cooke, I have written to Dr. Weitz in the manner shown in the attached copy.

R. F. JARDINE

DIRECTOR OF LAND SETTLEMENT
& WATER COMMISSIONER.

RFJ/P

Lease
11/7/47

GP/5/18(23) CHIEF SECRETARY'S FILE
NO. SF/116/47.

10th July,1947.

Chief Secretary.

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DIRECTOR OF LAND SETTLEMENT
& WATER COMMISSIONER.

RFJ/P

GP/5/18(23) CHIEF SECRETARY'S FILE
NO. SF/116/47.

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DIRECTOR OF LAND SETTLEMENT
& WATER COMMISSIONER.

RFJ/P

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NO. SF/116/47.

10th July, 1947.

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DIRECTOR OF LAND SETTLEMENT
& WATER COMMISSIONER.

RFJ/P

39

*Government of Palestine.*

*In replying to this letter please quote the date and reference number.*

SF/116/47

DEPARTMENT OF LAND SETTLEMENT HEADQUARTERS JERUSALEM
10 JULY 1947
File 11/5/16/23
GOVERNMENT OF PALESTINE

*Chief Secretary's Office,*
*Jerusalem.*

8th July, 1947.

Rep. 40

Director of Land Settlement
and Water Commissioner.

38

Urgently

I am directed to refer to your letter No.GF/5/18(23) of the 23rd June, 1947, on the subject of the lease to the Jewish National Fund of State Domain lands at Qaqun and Qalansawa, Tulkarm Sub-district, and to inform you that the decision of the High Commissioner in Executive Council was correctly set out in my letter of the 30th May.

2. As regards the letter from Mr. Weitz enclosed with your letter of the 23rd June the reply should be that any legal action necessary for the eviction of Arab trespassers should be undertaken by the Keren Kayemeth Leisrael Ltd.

(J. FLETCHER-COOKE)

for CHIEF SECRETARY

38

GP/5/18(23).

23rd June, 1947.

C.S.File SF/116/47.

Pp. 39

Chief Secretary.

Subject :- Lease to the Jewish National Fund of State Domain lands at Qaqun & Qalansawe, Tulkarm S/D.

Reference:- Your SF/116/47 of 30th May, 1947.

92 in GP/5/29(4)

It is not correct to say that the action to obtain an eviction order against the Arabs lay with the Jewish National Fund, nor did Executive Council think so. (I was present at the meeting.

2. In the meantime I have received the attached letter from Mr. Weitz - I should be glad of instructions as to how to reply.

R.F.J.

DIRECTOR OF LAND SETTLEMENT,
& WATER COMMISSIONER.

Copy filed in GP/5/29(4)

RFJ/NB.

37

# קרן קימת לישראל

הלשכה הראשית

ירושלים כ"ט בסיון תש"ז.
.17.6.47

ת.ד. 298 · טל. 4663

מס. 23832/ב.

לכבוד
מנהל סדור הקרקעות,
י ר ו ש ל ם.

GOVERNMENT OF PALESTINE
GP/5/18(23)

א. נ.

לאחר משא ומתן שהתנהל בין המחלקה ליישוב
התיילים של הסוכנות היהודית ובין כב', הוסכם כי
הממשלה תחכיר לקק"ל שטח של 294 ד"מ בקון
ו-505.459 ד"מ בקלנסוה, למטרת יישוב חיילים
משוחררים. בהתאם לכך נחתמו ביום 20.12.46 חוזי-
-חכירה זמניים מס. GP/5/29(4) ומס. GP/5/18(23),
בין הממשלה והקק"ל לתקופה של שנה אחת מיום 1.1.47
עד 31.12.47.

נסינו לקבל לידינו את הקרקעות המוחכרות לנו
בעזרת שלטונות המחוז, אולם לפי בקשתם לא קבלנו את
הקרקעות לידינו, הואיל וחלקים מהן נתפסו ע"י ערבים.

במכתב כב' אל המחלקה ליישוב החיילים של
הסוכנות היהודית מיום 11.4.47 מס. GP/5/18(23),
כב' מבטיח כי הדבר נדון בדחיפות, אולם לדאבוננו
הקרקע לא נמסרה לנו עד היום. כל עוד לא נמסרה לנו
הקרקע, אין אנו יכולים לבצע את יישוב החיילים
המשוחררים אשר להם היא נועדה.

אנו דורשים מכב' למסור לנו את הקרקעות
המוחכרות לנו, כדי לקיים את החלטת הממשלה להחכיר לנו
קרקע ליישוב חיילים משוחררים.

נודה לכב' באם יואיל להודיענו בהקדם מתי
נוכל לקבל את הקרקע הנ"ל לידינו.

בכבוד רב,

קרן קימת לישראל בע"מ
KEREN KAYEMETH LE'ISRAEL LIMITED

הר/שב.

37 A

# קרן קימת לישראל בע"מ

# KEREN KAYEMETH LEISRAEL LTD.

INCORPORATED IN ENGLAND רשומה באנגליה

TELEGRAMS: KEREN, JERUSALEM :מלגרמות • ת. ד. 283 • 4663 [1970 • ירושלים • מלון תלשכה הראשית
HEAD OFFICE, JERUSALEM - TEL. 4663 - P. O. Box 283 - CODES: BENTLEY & R. MOSSE

B23832. 17.6.47

Translation from the Hebrew Original.

The Director of Land Settlement Department,
Jerusalem.

Sir,

re State Domain in Qaquoun and Qalnsawa

Following the negotiations which you had with the Ex-Servicemen's Resettlement Dept. of the Jewish Agency, it was agreed between you that Government would lease to the Keren Kayemeth Leisrael Ltd. an area of 294 metric dunams in Qaquoun and 505.459 metric dunams in Qalnsawa for the purpose of the re-settlement of ex-servicemen.

22 A

In accordance with that agreement, temporary leases were signed on 20th December, 1946, bearing Nos. GP/5/29(4) and GP/5/18(23) respectively between Government and the Keren Kayemeth Leisrael for the duration of one year, from 1st January, 1947 until 31st December, 1947.

We tried to take over the above mentioned State Domain leased to us with the assistance of the local administration, but in accordance with their request, however, we ceased our activities in that respect because some of the parcels have been trespassed on and are now in possession of Arab encroachers.

In your letter of 11th April, 1947, to the Ex-Servicemen's Resettlement Dept. of the Jewish Agency (No.GP/5/18(23)), you promised that the question of releasing the land was receiving immediate attention; unfortunately, the land has not yet been handed over to us, although over 2 months have elapsed since then. It should be noted that until this land is handed over to us, we cannot draw up any schemes for the re-settlement of the ex-servicemen for whom this land was designated.

We therefore request you to do your utmost to hand over the land leased to us and thus fulfil Government's promise to lease land in general for the settlement of ex-servicemen.

We should be very grateful if you would let us know the earliest date on which we can take over the above mentioned land.

Yours faithfully,

J. Weitz.

# קרן קימת לישראל בע"מ

# KEREN KAYEMETH LEISRAEL LTD.

INCORPORATED IN ENGLAND הרשומה באנגליה

TELEGRAMS: KEREN, JERUSALEM מברקים: קרן, ירושלים · טלפון 4663 · ת.ד. 283 · כתובת הרשת: קרן ירושלים

HEAD OFFICE, JERUSALEM - TEL. 4663 - P. O. Box 283 - CODES: BENTLEY & R. MOSSE


B2535Z. 17.6.47

Translation from the Hebrew original.

The Director of Land Settlement Department,
Jerusalem.

Sir,

re State Domain in Gaugum and Galnawa

Following the negotiations which you had with the Ex-Servicemen's Resettlement Dept. of the Jewish Agency, it was agreed between you that Government would lease to the Keren Kayemeth Leisrael Ltd. an area of 294 metric dunams in Gaugum and 305.459 metric dunams in Galnawa for the purpose of the re-settlement of ex-servicemen.

In accordance with that agreement, temporary leases were signed on 20th December, 1946, bearing Nos. GP/5/2(94) and GP/5/1(93) respectively between Government and the Keren Kayemeth leased for the duration of one year, from 1st January, 1947 until 31st December, 1947.

We tried to take over the above mentioned State Domain leased to us with the assistance of the local administration, in accordance with their request, however, we ceased our action in that respect because some of the parcels have been ploughed on and are now in possession of Arab encroachers.

In your letter of 11th April, 1947, to the Ex-Servicemen's Resettlement Dept. of the Jewish Agency (No. GP/5/1(23)), you promised that the question of relasing the land was receiving immediate attention; unfortunately, the land has not yet been handed over to us, although over 2 months have elapsed since. It should be noted that until this land is handed over to us we cannot draw up any schemes for the re-settlement of the people for whom this land was destinated.

We therefore request you to do your utmost to hand over the land leased to us and thus fulfil Government's promise to lease land in general for the settlement of ex-servicemen.

We would be very grateful if you would let us know the earliest date on which we can take over the above mentioned land.

Yours faithfully,

J. Weitz.

D

GP/5/29(4)

DEPARTMENT OF LAND SETTLEMENT,
JERUSALEM.

SECRET

11th April, 1947.

Asst.District Commissioner,
Tulkarm.

Subject :- Lease of GP/5/29(4) - Block 7998
Parcel 10 (part of) - Qaqun.

Reference:- Your No.T/33/12 dated 25th March, 1947 and reminder dated 7th April, 1947.

I have dealt with the lease of the Qalansuwa land under my Secret letter Ref.GP/5/18(23) dated 3rd April, 1947. I set out below a brief note on Parcel 10 Block 7998 Qaqun, a part of which is leased to the Keren Kayemeth Leisrael Ltd. for one year as from 1st January, 1947.

1. The above parcel comprises 393.731 dunums of marshy ground and was adjudicated to Government as unassigned State Domain by the Settlement Officer. Government's claim was disputed except in so far as a part only of the area was concerned but the Settlement Officer held that the land was marshy and had not been improved by any of the defendants in the case (92/Qaqun). Subqequent to the decision the Defendants applied for the grant of the land to them on payment of Badl Misl stating that they had expended large sums in improving the land and that they had been in occupation for the last 20 years. The application was forwarded for consideration by the State Domain Inspection Committee. An application for a lease was also received from the Kibutz Ein Ha horesh Settlement. Prior to the meeting of the State Domain Inspection Committee it was decided to let the property for agricultural purposes on short term lease and the bid made by Madhat Abu Hantash one of the defendants in the case referred to was accepted and the parcel let to him on a 3 year lease which expired on 30th June, 1945. The Lessee knew of the existing encroachments and was allowed to sublet parts of the land to such persons.

2. The future of the parcel was considered by the State Domain Inspection Committee which met on 17th November, 1942 and considered the facts as mentioned and also an application from the Forestry Department for the use of the land as a eucalyptus plantation. The Committee recommended that this application should be reviewed before the expiration of the lease referred to.

3. This recommendation was approved by the Chief Secretary in his letter ref.L/13/5/37 dated 11th January, 1943.

4. In 1944 an application was made to Government by the Jewish Agency for the grant of State Domain on which to resettle ex-servicemen and a Committee formed with the object of suggesting State Domain suitable for this purpose recommended that such portion of the parcel as was not cultivated by Arabs should be made available for ex-soldiers on condition that the whole of the parcel was drained. This recommendation was approved by the Chief Secretary in his letter ref.L/102/45 dated 29th October, 1945. It may be mentioned here that a survey made subsequent to the date in question showed that a plot

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measuring 20.2 dunums only was cultivated by the Arabs.

5. The suggested lease met with considerable opposition from Arab cultivators who by means of sporadic patch cultivation produced various winter and summer crops on the area. After considerable discussion it was eventually decided to proceed with the lease of 294 dunums (out of a total of 393.731). The Arabs would then obtain 100 dunums of well drained land in lieu of larger but marshy area which they claimed to cultivate.

6. It was the intention to conclude a 49 year lease with the Keren Kayemeth Leisrael Ltd. but, owing to the fact that the Jewish Agency considered the basis of rent assessment as uneconomic a lease for one year only/from /as 1st January, 1947 was signed. The rent charged was on the same basis as that previously paid by Madhat Abu Hantash, the intention was to conclude a long term lease providing inter alia for the drainage of the 100 odd dunums reserved for Arab occupation when the rent question had been settled.

J.K

DIRECTOR OF LAND SETTLEMENT
AND WATER COMMISSIONER.

Copy to:- GP/5/18(23).

JK/RC.

35

GP/5/18(23)

DEPARTMENTOF LAND SETTLEMENT
JERUSALEM.

11th April, 1947.

32

Sir,

I have the honour to refer to your letter reference 878/15/2850 dated 6th April, 1947 with reference to State Domain at Qaqun and Qalansuwa leased to the Keren Kayemeth Leisrael Ltd. The inconvenience caused through the occupation by others of the areas leased is fully appreciated and the matter is receiving urgent consideration by Government.

I am, Sir,
Your obedient servant,

for DIRECTOR OF LAND SETTLEMENT
AND WATER COMMISSIONER.

The Director,
Department of Re-settlement of
Jewish ex-Servicemen,
Jewish Agency for Palestine,
P.O.B. 2,
Jerusalem.

JK/RC.

NO.T/33/12 34



ASSISTANT DISTRICT COMMISSIONER'S OFFICE
TULKARM.

Ref 11/5/18/23.

7th April,1947.

Director of Land Settlement
& Water Commissioner,
Jerusalem.

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Subject:- State Domain Qaqun GP/5/29(4) &
" " Qalansuwa GP/5/18(23).

As ~~urgent~~ reply to my letter of even number dated 25th March,1947 would be much appreciated.

Assistant District Commissioner,
Tulkarm.

AT.

S.D.

33

GP/5/18(23)

SECRET.

9th April, 1947.

C.S file L/101/45 of 3/4/47 — 30

Chief Secretary.

Subject:- Lease of State Domain Parcel 7 Block 7878 and Parcel 10 Block 7877, Qalansuwa, to the Keren Kayemeth Leisrael Ltd.

1. The two Parcels 7877/10 (GP/5/18(12)) and 7878/7 (GP/5/18(23)) were formerly parts of 7877/8 and 7878/3. They were claimed at "Land Settlement" by some of the villagers of Qalansuwa as part of their shares which they alleged, fell to them when the Masha' lands were 'distributed' years ago. The Mukhtars on the other hand claimed them as village "Grazing land". Government claimed them as Mewat.

2. The Settlement Officer in his decision said that the claim, taken on its merits, had no strength. Nor was there any assignment for grazing. Land areas of the Masha' showed no signs of ever having been cultivated. No doubt anybody could graze his animals at will in these places if there was grass on them in the winter. He found that the land belonged to Government but in his judgment he added a recommendation that the land might be granted as Masha' to the villagers of Qalansuwa as a whole on payment of Badl Mithl. There were appeals but the decision of the Settlement Officer survived. The land was registered as State Domain free from any over-riding rights or interests.

3. The question was examined by the State Domain Committee composed of Messrs. D.G. Harris, M.C. Bennett and A.U.L. Savage; they found that:-

"The last area to be considered is that comprising parcel 8 of block 7877 and parcel 3 of block 7878 (these parcels include parcels 7877/10 & 7878/7). The former parcel, which extends to 148 dunums, is described as arable land, the latter, which measures 452 dunums, is sandy waste, although there is not a great deal of difference in their quality. The Settlement Officer has recommended that the parcel 7878/3 should be transferred to the villagers of Qalansuwa as Masha' on payment of Badl Misl (unimproved value) but, since there appears already to be a considerable area of undeveloped land within the village, we agree with the Inspection Committee

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that there is no justification for such a grant. We recommend that this area also be made over to the Conservator of Forests temporarily for protection and that the decision as to its final disposal be postponed. Here again, the possibility of an exchange for land contiguous to the proposed forest reserves, whether by direct exchange or by a process of sale and purchase, appears to us to be worthy of exploration."

(1.11.40)

4. This recommendation was approved by Government (C.S.'s L/170/40 of 22nd November, 1940) and accordingly the parcels were allotted to the Conservator of Forests, but they were however, occupied by the War Department in 1942 and were only released last year.

5. The Committee set up to consider the question of State Domain for re-settlement of ex-servicemen, reported that the land was undulating and mainly loamy sand, not good agricultural land but capable of being improved and producing crops. As it was contiguous with the Jewish Settlements land, the Committee recommended that it could be made available for ex-soldiers, and Government accepted this recommendation (C.S.'s L/101/45 dated 10th June, 1946).

6. The two parcels were leased to the K.K.L.L. for a period of one year starting from 1st January, 1947, to 31st December, 1947, pending a settlement of the rent for a long lease.

7. The Jewish Agency on 27th February, 1947, wrote that 50 dunums of GP/5/18(23) were occupied by Arab trespassers, and requested the immediate vacation and the handing over of the land to the K.K.L.L. They said that the Local Authorities were not willing to take adequate steps unless they received explicit instructions to evict the trespassers, if necessary by force.

8. On 6th March, 1947, the Galansuwa people telegraphed to His Excellency that so long as they are alive they would not allow anyone else to occupy these lands which were property of an Arab village.

9. The Assistant District Commissioner stated that the matter has aroused considerable feeling in the Arab press and must be dealt with carefully.

./.

10. With reference to the copy of letter enclosed in your letter I make the following comments:-

(a) The area of the Land in question is 505.459 dunams and not 750 dunams as mentioned in paragraph 1 of that letter.

(b) The land in question is registered without any over-riding interests in the name of the High Commissioner in trust for the Government of Palestine. The question of the villagers' claim to the parcels as Masha' was disposed of at Land Settlement. The Settlement Officer did mention as a suggestion in his judgment that the land might be granted as Masha' to the villagers as a whole. As much of the land of the village had been bought by the Jews who thus became "villagers" themselves, his recommendation cannot be taken to apply exclusively to the Arabs. In any case either the State Domain Inspection Committee or the State Domain Committee agreed with his recommendation, which of course should never have appeared in a judicial judgment.

(c) The land belongs to Government and as such it has been let to Jews who have a settlement in the village lands. The land in question actually adjoins the Jewish lands. The Arabs have no more right to lease this public land than the Jews have. Their telegrams, paid for from Arab political petitions, threaten the use of force in resisting eviction. If the case came before an independent judicial tribunal I have no doubt that the verdict would be that the ~~lands~~ should be evicted.

R. F. JARDINE

DIRECTOR OF LAND SETTLEMENT
& WATER COMMISSIONER.

Copy to: District Commissioner,
Samaria District.

RFJ/YH.

32

הסוכנות היהודית לארץ ישראל
THE JEWISH AGENCY FOR PALESTINE

DEPARTMENT FOR RESETTLEMENT OF JEWISH EX-SERVICEMEN

P.O. Box 92
JERUSALEM.

ת. ד. 92
ירושלים

REF. NO. 878/15/2850 מספר

April 6th, 1947.

Pp/5/18/23

Director,
Department of Land Settlement
&
Water Commissioner,
Jerusalem.

Ref.: 35

Sir,

Re: State Domain GP/5/29(4) - Qaqun
& GP/5/18(23) - Qalansawa.

We beg to refer to our letters No. 878/15/2501 dated 27th February, and No. 878/15/2624 dated 11th March, 1947, on the above subject, to which we have received no answer as yet, and should be much obliged if you would kindly inform us what action has been taken by you in this connection.

We use this opportunity to emphasize the urgency of this matter for the reasons pointed out in our two letters referred to above.

I am, Sir,

Yours faithfully,

J. Gurion
DIRECTOR.

11/45-3000-3010/21 מרמס

DEPARTMENT FOR RESETTLEMENT OF DEPRIVED
PERSONS

April 8th, 1947.

Director,
Department of Land Settlement
&
Water Commissioner,
J e r u s a l e m .

Sir,

Re: State Domain 81/5/28(4) - Gaugu
& 81/6/18(23) - Salamona.

We beg to refer to our letters No. 8YB/15/2001 dated 27th February, and No. 8YB/15/2024 dated 11th March, 1947, on the above subject, to which we have received no answer as yet, and should be much obliged if you would kindly inform us what action has been taken by you in this connection.

We use this opportunity to emphasize the urgency of this matter for the reasons pointed out in our two letters referred to above.

I am, Sir,

Yours faithfully,

A. Gurion
DIRECTOR.

Ref.No. GP/5/18(23)

DEPARTMENT OF LAND SETTLEMENT,
JERUSALEM.

3)

SECRET.

3rd April, 1947.

Asst.District Commissioner,
Tulkarm.

---

Subject :- Lease of State Domain GP/5/18(23) and GP/5/18(12) Qalansuwa.

Reference:- Your No.T/33/12 dated 25th March, 1947.

See also: 36

I set out below a brief note on Parcel 7 (formerly part of Parcel 3) Block 7878 (GP/5/18(23)) and Parcel 10 (formerly part of Parcel 8) Block 7877 (GP/5/18(12)) leased to the Keren Kayemeth Leisrael Ltd., for one year as from 1st January, 1947.

1. The two parcels were claimed at Land Settlement in 1937 by a section of the village of Qalansuwa as Masha' lands. The Settlement Officer in his first judgement directed that the two parcels should be registered in the name of the Government of Palestine but added a strong recommendation to the effect that they should be granted as Masha' to the village of Qalansuwa as a whole on payment of Bedl Misl. The decision was made the subject of two retrials on the direction of the Land Court and finally in his 3rd judgement the Settlement Officer stated that the parties had come to an amicable settlement. The parties were the Mukhtar on behalf of some of the people of Qalansuwa, 273 defendants and 89 third parties. The final decision refers to provisional parcels of which the Block is not known and the decision is far from clear.

2. In the data put before the State Domain Inspection Committee, which met at Tulkarm on 21st October, 1940, the recommendation of the Settlement Officer for a transfer on payment of Bedl Misl is shown as relating to Parcel 7 Block 7878 only. The Committee recommended that Parcel 7 should be taken over for the next three years for protection by the Conservator of Forests, and that its permanent disposal should be considered in a few years time having regard to the landless Arab problem. Parcel 10 Block 7877 was recommended for permanent allocation to the Conservator of Forests. The recommendation of the Settlement Officer with regard to Parcel 7 was not accepted.

3. These recommendations were reviewed in the same month by the State Domain Committee which made the following observation: "The Settlement Officer has recommended that the latter parcel (Parcel 7) should be transferred to the villagers of Qalansuwa as Masha' on payment of Bedl Misl but since there appears to be a considerable area of undeveloped land within the village we agree with the Inspection Committee that there is no justification for such a grant." The Committee accordingly recommended that both parcels be made over to the Conservator of Forests temporarily for protection and that the decision as to their final disposal be postponed.

The above recommendation was approved by the Chief Secretary in his letter ref.L/170/40 dated 22nd November, 1940, and the parcels were allocated to the Conservator of Forests during that month and declared as Forest Reserves No.299 in Palestine Gazette No.1080 of 27th February, 1941.

4. The War Department occupied a total of 477.364 dunums as from 30th October, 1942, and agreed to bring the remaining small areas severed from the two parcels withi within the perimeter of the camp for protection purposes as from 2nd November, 1943. I understand that the parcels were handed back by the Department in question during the early part of 1946 to the District Administration.

5. In 1944 an application was made to Government by the Jewish Agency for the grant of State Domain on which to re-settle ex-servicemen and a Committee, formed with the object of suggesting State Domain suitable for this purpose, recommended that subject to Military requirements the two parcels in question should be made available. The recommendation was approved by the High Commissioner in Ex.Co. and the Chief Secretary in his letter L/101/45 dated 10th June, 1946, informed me that the two parcels should be made available for ex-soldiers. The Chief Secretary in his letter ref. SF/185/2/43 dated 18th November, 1944, laid down

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the principle that such leases should be for a term of 49 years and the rent should be nominal for the first five years of the term and thereafter 6% of the value of the land (if such was the usual rent charged for leases). Mr. Gurion of the Jewish Agency was of the opinion that such a rent was uneconomic and asked me to approach Government with a viewto obtaining a reduction. In the meantime it was agreed that a lease for the period of one year should be signed at a nominal rent of 10 mils on the understanding that the rent reserved by the Agreement should be increased to the rent at which the parcels might ultimately be let to the Keren Kayemeth Leisrael on long term Lease. In such circumstances a lease for one year as from 1st January, 1947, was concluded.

for DIRECTOR OF LAND SETTLEMENT,
& WATER COMMISSIONER.

Copy to:- GP/5/18(12).

RJK/NB.

Ref.No. GP/5/18(23)

DEPARTMENT OF LAND SETTLEMENT,
JERUSALEM.

SECRET.

3rd April, 1947.

Asst.District Commissioner,
Tulkarm.

---

Subject :- Lease of State Domain GP/5/18(23) and GP/5/18(12) Qalansuwa.

Reference:- Your No.T/33/12 dated 25th March, 1947.

I set out below a brief note on Parcel 7 (formerly part of Parcel 3) Block 7878 (GP/5/18(23)) and Parcel 10 (formerly part of Parcel 8) Block 7877 (GP/5/18(12)) leased to the Keren Kayemeth Leisrael Ltd., for one year as from 1st January, 1947.

1. The two parcels were claimed at Land Settlement in 1937 by a section of the village of Qalansuwa as Masha' lands. The Settlement Officer in his first judgement directed that the two parcels should be registered in the name of the Government of Palestine but added a strong recommendation to the effect that they should be granted as Masha' to the village of Qalansuwa as a whole on payment of Bedl Misl. The decision was made the subject of two retrials on the direction of the Land Court and finally in his 3rd judgement the Settlement Officer stated that the parties had come to an amicable settlement. The parties were the Mukhtar on behalf of some of the people of Qalansuwa, 273 defendants and 89 third parties. The final decision refers to provisional parcels of which the Block is not known and the decision is far from clear.

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R.K

DIRECTOR OF LAND SETTLEMENT,
& WATER COMMISSIONER.

Copy to:- GP/5/18(12).

RJK/NB.

30

*Government of Palestine.*

*In replying to this letter please quote the date and reference number.*

L/101/45

*Chief Secretary's Office,*

*Jerusalem.*

3 April, 1947

Rep. 33

Director of Land Settlement
and
Water Commissioner.

Noted. W. Kennedy
Kefar Saba
note.

I am directed to refer to my letter no. L/101/45 of the 11th July 1946 addressed to the Executive of the Jewish Agency with copy to you, on the subject of the lease of state lands for agricultural purposes by ex-servicemen and to inquire as to the position in regard to the Qalansawa land, referred to in paragraph 3 thereof.

I am to ask whether there is any present encroachment on this land and whether at the time of the settlement of title the Settlement Officer has made any special recommendations as to its use.

I am also to request your early comments on the attached copy of a letter dated the 6th March 1947, from the Chairman of the Board of Directors of the Arab National Fund Co. Ltd. in respect of this land.



(E. MATTA)
for CHIEF SECRETARY.

Copy to:-

District Commissioner,
Samaria District with copy of
letter for early comments.

The Arab National Fund Co. Ltd.,
Jerusalem.

6th March, 1947.

The Honourable,
The Chief Secretary.

Sir,

This mo rning, I received a copy of a telegram which was addressed by the inhabitants of Qalansawa village to His Excellency the High Commissioner, protesting against Government's intention to deliver the masha' land of their village, covering an area of 750 dunoms to Jewish ex-servicemen, and asserting that they will not leave their land while they are still alive. This means that they will fight until death before they leave their land which they had inherited from their forefathers in the same way as proud men would do who refuse to submit to humiliation and oppression.

Every day the telegraph cables pulsates with such news as provokes the resentment of the Arabs and with tragedies which excite the young before the old and make every one despair of Government's sense of justice. The consequences of such a situation are no doubt known to you even though they may be not known to others.

I hope that you will realize that the Arabs who fought fore more than two centuries during the Middle Ages for this Holy Land are not prepared to hand it over to the Jews or those who support them. In defending their freedom, honour and country, the Arabs fear no force in the world.

I take the liberty of drawing your attention to these facts and trust that you will not underestimate our determinations. The Arab proverb says that a flaming fire begins with small sparks.

In conclusion, I wish to add the protest of the Arab National Fund to the protest of the villagers, our compatriots, and to request you to transmit a copy of this letter to the Rt. Honourable the Secretary of State for the Colonies, so that he may consider the matter and give a just and equitable decision thereon.

With highest respects,

(Sgd) Ahmad Hilmi,
President of the
Board of Directors.

NO.T/33/12

ASSISTANT DISTRICT COMMISSIONER'S OFFICE
TULKARM.

25th March, 1947.

Director of Land Settlement
& Water Commissioner,
Jerusalem.

---

Subject:- State Domain Qaqun GP/5/29(4) &
" " Qalansuwa GP/5/18
(23).

I have the honour to refer to the telephone conversation between Mr.Kennedy and my A/Chief Clerk on 24.3.47, dealing with above subject, and to confirm my request that you furnish me with an extract of the Inspection Committee's Report giving the reasons for making these areas in Qaqun and Qalansuwa State Domain.

Assistant District Commissioner,
Tulkarm.

I.KH/AT.

NO. T/33/15 28

ASSISTANT DISTRICT COMMISSIONER'S OFFICE
TULKARM.

20th March, 1947.

Director of Land Settlement
& Water Commissioner,
Jerusalem.

---

With reference to your GP/5/18(23) of 6th March 1947, dealing with lease of State Domain at Qalansuwa, I have the honour to report that the people of the village absolutely refuse to leave the area and claim they are "prepared to die first."

2. This matter has aroused considerable feeling in the Arab press and must be dealt with carefully.



A Sinclair
Assistant District Commissioner,
Tulkarm

AS/AT.

COPY.

TELEGRAM.

From Saleh Mustapha Al-Natour, notable.
Ahmad Abdallah al-Qasem, member.
Abdallah Sa'id Al-Khateeb,
Mukhtar of Qalansawah,
Fares Mustafa.

To His Excellency,
The High Commissioner.

Despatched Tulkarem, 6.3.47.



Our village, Qalansawah, owns masha' lands covering an area of about 75o dunoms, known as"Al-Masha' Al-Gharbi" and "Al-Masha' Al-Sharqi". These lands were reistered provisionally in the name of His Excellency the High Commissioner. The Settlement Officer recommended, at the time, that these lands be registered in the name of the inhabitants of the village when they are able to pay the "Badal Al-Misl" in respect thereof. The inhabitants of the village have already requested that they may be exempted from payment of the "Badal Al-Misl", because the lands belong to them, and they have been culyivating them for hundreds of years. They are still awaiting the reply of Government to their request. Despite all this, Government declared, some years ago, Al-Masha' Al-Gharbi", which covers an area of 342 dunoms as a forest area and now proposes to lease "Al-Masha' Al-Sharqi", the area of which exceeds 400 dunoms, to Jewish ex-servicemen. Your Excellency, these lands are Arab lands and are the property of the village, despite their registration in Your Excellency's name. We shall not allow anyone else to occupy these lands while we are living. We appeal to Your Excellency and the whole world to do justice to us, and to restore right to those entitled thereto.

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הסוכנות היהודית לארץ ישראל

**THE JEWISH AGENCY FOR PALESTINE**

DEPARTMENT FOR RESETTLEMENT OF JEWISH EX-SERVICEMEN

Telegrams: "JEVAGENCY" JERUSALEM
Telephone: 4671 (9 LINES)
Codes: BENTLEY'S

Ref. No. 878/15/2624

DEPARTMENT OF LAND SETTLEMENT
13 MAR 1947
GP/5/18/23
GOVERNMENT OF PALESTINE

OFFICE OF THE EXECUTIVE
P.O. Box 92,
Jerusalem

March 11th, 1947.

Director,
Department of Land Settlement
&
Water Commissioner,
Jerusalem.

Pl. see 25

Sir,

Re: State Domain GP/5/29(4) - Qaqun
& GP/5/18(23) - Qalansawa.

We beg to refer to our letter No. 878/15/2501 of the 27th February, 1947, on the above subject and request that the necessary instructions be issued by you to the effect of having these two plots of State Domain, which have been leased by Government to the Keren Kayemeth Leisrael, vacated and handed over to the lessee without delay.

The Keren Kayemeth Leisrael informed us that the local authorities are not willing to take adequate steps unless they receive explicit instructions to evict the trespassers, if necessary, by force.

Since only a short time is left to cultivate the land for the exploitation of the coming summer season, we should be obliged if you could ensure that all necessary steps are taken by the District Commissioner, Samaria, to hand over the two plots in question to the Keren Kayemeth Leisrael without further delay.

I have the honour to be,

Sir,

Your obedient servant,

J. Gurion
DIRECTOR.

4.44-5000-0303/42 מרכז

25

S.9.

GP/5/18(23)

6th March, 1947.

Asst.District Commissioner,
Tulkarm.

Subject :- Lease of State Domain GP/5/18(23), Qalansuwa.

Reference:- My GP/5/29(4) dated 20th January, 1947.

I enclose herewith a copy of a letter dated 27th February, 1947, received from the Director, Department for Re-Settlement of Jewish Ex-Servicemen, Jewish Agency. Would you please investigate the position and let me know how the Arab cultivators can be dealt with. I have already written to you about the Qaqun land under my GP/5/29(4) dated 11th February, 1947.

for DIRECTOR OF LAND SETTLEMENT,
& WATER COMMISSIONER.

RJK/NB.

COPY

251

THE JEWISH AGENCY FOR PALESTINE,
DEPT. FOR RESETTLEMENT OF JEWISH
EX-SERVICEMEN.

Office of the Executive,
P.O. Box 2,
Jerusalem.

Ref. No. 878/15/2501.

27th February, 1947.

Director of Land Settlement
and Water Commissioner,
Jerusalem.

---

Sir,

I regret to have to inform you that after the representative of the Keren Kayemeth Leisrael Ltd., together with the District Officer of Samaria, inspected State Domain GP/5/18(23) Qalansuwa, it was found that this plot of land is not available for our occupation since 50 dunums of it are being occupied by Arab trespassers.

The same applies to State Domain GP/5/29(4) Qaqun which has also been inspected by Government officials, on behalf of the District Commissioner, together with a representative of the Keren Kayemeth Leisrael Ltd., and where also several buildings have been erected.

We beg, therefore, that the necessary steps be taken to ensure the immediate vacation of the two above mentioned plots of land and their handing over to the Keren Kayemeth Leisrael Ltd., who has already payed the annual rent for the period 1.1.47 - 31.12.47 as stipulated in the agreements of lease concluded on the 24.1.47.

I must add that the delay in handing the above land over to us, owing to obstructions which are neither our fault nor that of the Keren Kayemeth Leisrael, has already prevented us from exploiting the season for the sowing of winter crops, and that any further delay will most probably make it impossible to cultivate the land next Spring.

Hoping that you will give your speedy consideration ti this matter, I am, Sir,

Your obedient servant.

(Sgd.) J. Gurion.

DIRECTOR.

NB.

24

הסוכנות היהודית לארץ ישראל

THE JEWISH AGENCY FOR PALESTINE

DEPARTMENT FOR RESETTLEMENT OF JEWISH EX-SERVICEMEN

Telegrams: "JEVAGENCY" JERUSALEM
Telephone: 4671 (9 LINES)
Codes: BENTLEY'S

Ref. No. 878/15/2501

DEPARTMENT OF LAND SETTLEMENT
HEADQUARTERS JERUSALEM
1 MAR 1947
pl 18/5/18/23
GOVERNMENT OF PALESTINE

OFFICE OF THE EXECUTIVE
P.O. Box 2,
Jerusalem

27th Februar, 1947.

Director,
Department of Land Settlement
& Water Commissioner,
Jerusalem.

Sir,

I regret to have to inform you that after the representative of the Keren Kayemeth Leisrael Ltd., together with the District Officer of Samaria, inspected State Domain GP/5/18(23) Qalansuwa, it was found that this plot of land is not available for our occupation since 50 dunams of it are being occupied by Arab trespassers.

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We beg, therefore, that the necessary steps be taken to ensure the immediate vacation of the two above mentioned plots of land and their handing over to the Keren Kayemeth Leisrael Ltd., who has already payed the annual rent for the period 1.1.47 - 31.12.47 as stipulated in the agreements of lease concluded on the 24.1.47.

I must add that the delay in handing the above land to us, owing to obstructions which are neither our fault nor that of the Keren Kayemeth Leisrael, has already prevented us from exploiting the season for the sowing of winter crops, and that any further delay will most probably make it impossible to cultivate the land next Spring.

Hoping that you will give your speedy consideration to this matter, I am, Sir,

Your obedient servant,

J. Gurion DIRECTOR.

4.44-3000-0303/42 סדר

GP/5/29(4).

20th January, 1947.

Sir,

I have the honour to refer to your letter No. 878/15/1545 of 24th December, 1946, and to enclose herewith for your retention one executed copy of each of the agreements in respect of State Domain GP/5/29(4) - Qaqun, and GP/5/18(23) Qalanswa.

I am, Sir,
Your obedient servant.

for DIRECTOR OF LAND SETTLEMENT,
&
WATER COMMISSIONER.

Director,
Department of Re-Settlement of Jewish Ex-Servicemen,
Jewish Agency for Palestine,
Jerusalem.

VM/BC.

Copy to:- GP/5/18(23).

22

GP/5/29(4).

20th January, 1947.

Asst.District Commissioner,
Tulkarm.

for abs. 25

Subject:- Lease of State Domain GP/5/29(4) - Qaqun, GP/5/18(23) - Qalansua.

Two agreements in respect of the above mentioned properties have been entered into with the Karen Kayemeth Leisrael Ltd. One copy of each agreement is enclosed herewith for your retention.

2. I shall be obliged if the particulars thereof are entered in State Domain Record Book Nos. 140 and 152 folios 36 and 49, and in the History Sheets.

DIRECTOR OF LAND SETTLEMENT,
& WATER COMMISSIONER.

Copy to:- District Commissioner, Samaria District, with reference to his 86/M of 28.12.46, who is kindly requested to inform the Asst. District Commissioner, Tulkarm of the R.V.No. and date of payment of the sum of LP.64.490 mils, with copy of his communication to me.

" " GP/5/18(23).

VM/BC.

State Domain GOVERNMENT OF PALESTINE. PGP/6.

2211

No. TP/5/18(23)

## STATE DOMAINS.

## AGREEMENT FOR AGRICULTURAL LANDS.

AN AGREEMENT made this.....day of.....one thousand nine hundred and forty.....between His Excellency the High Commissiner for Palestine on behalf of the Government of Palestine (hereinafter called the Lessor of the one part and .The Keren Kayemeth Leisrael Ltd.....of Jerusalem..... .....his heirs and assigns (hereinafter called the Lessee) of the other part.

WHEREBY the Lessor agrees to let and the Lessee agrees to take all that area of land described in the schedule hereto and hereinafter referred to as "the premises" for the period of .....one year..... from the .....First..... day of ....January..... 194.7...to the ...Thirty First.. day of December 194.7 (determinable nevertheless as hereinafter mentioned) at a nominal rent of....10 mils per dunum.....payable as hereinafter mentioned.

1. The Lessee hereby agrees —

(a) To pay in addition to the rural property tax due for the financial year 194.7.../1948.....a yearly rent of...Five Palestine Pounds and Fifty mils..... (£P. ..5.050..... mils) payable in ....advance..... ~~instalments on or before the ..... day of each of the months of ..... ..... .....in every year, the first of such payments being made~~ on the execution hereof.

~~(b) To keep the outside and inside of any buildings now erected or hereafter to be erected upon the premises in good and tenantable repair, fair wear and tear and damage by accidental fire only excepted and to hand over such buildings in such condition at the expiration or other determination of the tenancy hereby created.~~

(c) To maintain and keep all watercourses, drains and channels in good order and condition together with all gutters pipes etc. and conform to the requirements of Part V of the Public Health Ordinance, 1940, or any Ordinance in amendment or replacement thereof.

(d) To cultivate the land in accordance with the rules of good husbandry and according to custom.

(e) Not to sublet, assign mortgage or otherwise dispose or part with possession of the premises unless the prior written consent of the Lessor has been obtained, and if such consent is obtained to pay to the Lessor a fee of £P.2.— to cover the cost of alteration of records and/or preparation of agreements.

(f) To pay all Government and Local rates and taxes and be subject to all orders and regulations applicable to land of a like nature or hereafter made payable or applicable in the said District wherein the premises are situated.

(g) To erect buildings, or make alterations or additions to existing buildings on the premises only when the consent in writing of the Lessor has first been obtained and to ensure that any such buildings, alterations or additions shall be completed to the satisfaction of the Lessor and in accordance with plans and designs which shall have had the prior approval of the Lessor.

(h) At the expiration of sooner determination of this agreement to dismantle and remove any buildings, alterations and additions and any irrigation and drainage works placed by him upon the premises in breach of Clause 1(g) or Clause 1(n) of this Agreement if required to do so by the Lessor and to restore the premises to their state existing at the commencement of the tenancy hereby created.

(i) To allow the Lessor or his representative to inspect the premises at any reasonable time. To allow the irrigation officer or any person authorised by him or the Water Commissioner to enter upon the premises and to undertake surveys or levelling thereon and dig and bore into the subsoil and to do all other acts necessary for the proper prosecution of any enquiry relating to the utilisation or disposal of water or for the proper maintenance, regulation or management of any water work.

(j) To pay interest on all sums payable under the tenancy hereby created which shall be in arrear at the rate of nine per centum per annum from the date when payment is due.

(k) To be subject to the procedure laid down in the Taxes (Collection) Ordinance (Cap. 137) or any Ordinance in amendment or replacement therof as regards the collection of rent and interest thereon due under this Agreement.

(l) Quietly to yield up the premises and all fixtures thereon the property of the Lessor at the expiration or sooner determination of the term hereby created in good and tenantable repair and clean condition and fit for occupation by an incoming Lessee. P.T.O.

(m) Subject to the provisions of the law for the time being in force governing the control and use of irrigation water and subject to any written instructions issued by the Water Commissioner, to irrigate the land with such water as the said land may be entitled to according to established custom and usage or according to the schedule of distribution drawn up by the Government and not to divert any of such water to any other land except with the previous written consent of the Lessor.

(n) To submit plans for any proposed new irrigation or drainage works upon the premises for the approval of the Lessor and not to obstruct any water course or interfere with the free flow of water to adjacent lands which have hitherto enjoyed the use of such water except with the previous written consent of the Lessor.

2. The Lessor hereby agrees that the Lessee paying the rent and performing the conditions and convenants hereinbefore contained and on his part to be performed shall quitely hold and enjoy the premises during the tenancy hereby created without any unlawful interruption by the Lessor.

3. And it is hereby mutually agreed between the parties hereto that —

(a) If at any time during the currency of the term hereby created the Lessee shall fail to pay the rent in manner aforesaid or to observe and perform any of the terms of this Agreement, the term hereby created shall be forfeited and the Lessor may forthwith re-enter upon the said premises and thereafter possess the same as though this Agreement had never been made:

PROVIDED —

(i) that re-entry by the Lessor shall not affect the liability of the Lessee in respect of any obligation for non-payment of rent or non-observance of any terms of this Agreement to which he may be subject at the date of such re-entry.

(ii) that the Lessor shall not re-enter upon the premises for a breach of any term of this Agreement other than non-payment of rent, unless notice of the breach has been served upon the Lessee and the Lessee has during the period of one month from the date of notice failed to remedy the same.

(b) The Lessor shall not be liable for any expenditure incurred by the Lessee voluntarily or otherwise in respect of repairs or improvement to or the irrigation of the premises, nor shall he be liable for compensation for such on the determination of the tenancy hereby created.

(c) They will dispense with the service of any notarial notices and will accept a letter addressed through the post as good and sufficient notice of any claim or demand under this Agreement.

4. And it is hereby further agreed between the parties hereto — Special Conditions (Delete if inapplicable)

The nominal rent hereby reserved shall be increased for the purpose of this agreement to the rent at which the premises may be ultimately be let to the Lessee on a long term lease in the event of such an agreement being concluded between the parties hereto.

SCHEDULE.

District : Samaria  Sub-District : Tulkarm

Village : Qalansawa  Location : Al Jumeiza and al Mesha'

Block No. : 7878 & 7877  Parcel No. : esh Sharqi 10

Description of premises : Arable land

Area of premises : 505  Dunums 450 Square metres (more or less.)

Registered in the Land Registry of : Tulkarm

Volume No. — Folio No. —

Under Deed No. 355/1938 Dated 19 and 38

No. of plan : ..... Date of plan : .....

How the premises are indicated on plan : Delineated in red

Whether plan is attached or where it is deposited : attached

IN WITNESS WHEREOF the parties have hereunto set their hands.

Signed by the Lessor this 16 day of January 194 [illegible]

DIRECTOR OF LAND REGISTRATION AND WATER COMMISSIONER

In the presence of :

[illegible] Witness.

Signed by the Lessee this 20 day of DECEMBER 1947.

In the presence of : [illegible]

[illegible] Witness.

PALESTINE REVENUE STAMPS MILS 10 הכנסות

GPP. 19410—5000—28.12.48

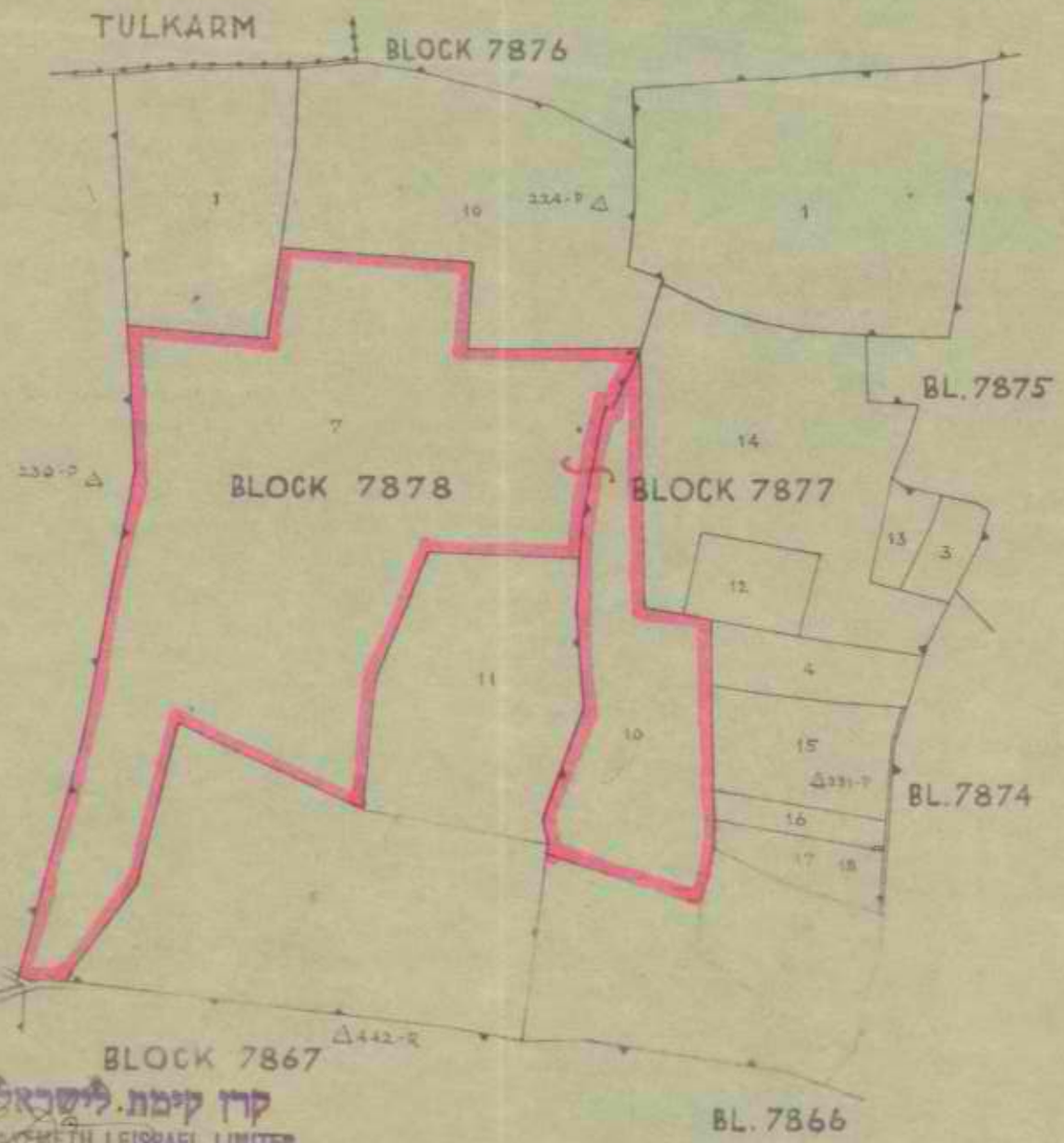
# QALANSUWA

TULKARM SUB-DIST.

REGISTRATION BLOCKS

7878 & 7877

SCALE 1:10000



2/

GP/5/29(4).

15th January, 1947.

Sir,

With reference to your telephone conversation/this morning, I enclose herewith two copies of the plan of the lands at Qalansawa and Qaqun showing thereon the areas leased to you delineated in red.

/of

2. You can take possession of the lands forthwith.

3. The two agreements are being executed and copies will be forwarded to you for your retention in due course.

I am, Sir,
Your obedient servant.

J.K.

DIRECTOR OF LAND SETTLEMENT,
& WATER COMMISSIONER.

Director,
Dept. of Re-Settlement of Jewish Ex-Servicemen,
Jewish Agency for Palestine,
Jerusalem.

VM/BC.

Copy to:- GP/5/18(23).

GP/5/29(4).

DEPT. OF LAND SETTLEMENT, 20
XXXXXXXXXXXXXXXX

14th December, 1946.

Sir,

I have the honour to refer to your letter No.878/15/3480 of 24th June, 1946, and to enclose herewith in triplicate two agreements in respect of State Domain GP/5/29(4)-Qaqun and GP/5/18(23)-Qalansuwa for your signature.

2. I shall be obliged therefore if you will sign the 3 copies of each agreement and pay to the District Commissioner, Samaria, the amount of LP.64.490 mils representing the annual rent for the period of 1.1.47-31.12.47.

3. When these have been signed by you, please return them to me for my signature.

I am, Sir,
Your obedient servant.

DIRECTOR OF LAND SETTLEMENT,
&
WATER COMMISSIONER.

Director,
Dept.of Re-Settlement of Jewish ExServicemen,
Jewish Agency for Palestine,
Jerusalem.

Copy to:- District Commissioner, Samaria District, who is kindly requested to collect the above mentioned amount and inform ~~mf~~ me of the Receipt Voucher No. and date of payment.

" " GP/5/18(23).

VM/BC.

29

GP/5/18(23)

2nd July, 1946.

Dear

I send you herewith a copy of the letter which I have written to the Director, Department for Re-settlement of Jewish Ex-servicemen, on 12th June, 1946. 27

(Sgd) J. M. Bernacastle

Yours sincerely.

R.H. Couzens Esq.,
Chairman of the
Re-Settlement Advisory Committee,
Department of Labour.

P.

COPY

THE JEWISH AGENCY FOR PALESTINE.

DEPARTMENT
FOR RESETTLEMENT OF JEWISH EX-SERVICEMEN.

28

Ref.No. 878/15/3480.

OFFICE OF THE EXECUTIVE
P.O.Box 92,
JERUSALEM.

24th June, 1946.

Director,
Department of Land Settlement,
Jerusalem.

Sir,

28

I acknowledge with thanks receipt of your letters Ref. GP/2/59A of 7.6.1946, Ref. GP/5/18(23) and GP/5/29(4) of 12th June, 1946, regarding the decision by Government to lease State Domain lands at Qaqun, Qalansuwa and Yibna for the settlement of Jewish ex-servicemen.

During the next few days I shall request you for an interview together with a representative of the Keren Kayemeth Leisrael in order to discuss the conditions of the leases and particulars of the contracts, as suggested by you in your above mentioned letters.

At this opportunity I should like to express my deep appreciation of the decision Government has taken in this matter, Although the areas which Government has agreed to make available, for the settlement of ex-servicemen - about 4,000 dunums in all - are small in comparison with the land required for the settlement of the 1,500 ex-servicemen who desire to settle on the land, we regard Government's decision as an important contribution to the settlement of a number of ex-servicemen and their families. I also hope that Government will consider the possibility of the lease of additional State Domain Lands, for housing and agricultural settlement, as requested in our previous correspondence.

I am, Sir,
Yours faithfully,

(Sgd.) J. Gurion.

DIRECTOR.

NB. Original in [illegible], copy to [illegible]

27

DEPARTMENT OF LAND SETTLEMENT,
JERUSALEM.

GP/5/18(23)

Mr Fraenkel K.C.
Info.

12th June, 1946.

Left Tp

Sir,

I have the honour to refer to your letter No.378/15/2987 dated 16th May, 1946, and to inform you that Government has decided in principle to make an area of approximately 505 dunums in Parcel 7 of Block 7878 and Parcel 10 of Block 7877, Qalansuwa, available by way of long term lease for re-settlement of ex-soldiers provided that suitable conditions can be arranged.

I understand that your intention is that the Keren Kayemeth Leisrael should be the lessee, and I should be glad to discuss the matter with them before I draft a lease for Government's approval.

I am, Sir,
your obedient servant.

Acting DIRECTOR.

Director,
Department for Re-settlement of
Jewish Ex-servicemen,
Jewish Agency for Palestine,
Jerusalem.

Copy to District Commissioner,
Samaria District.
" " GP/5/18(12).
" " SD/2(5).

P.

GP/5/18(23)

DEPARTMENT OF LAND SETTLEMENT,
JERUSALEM.

12th June, 1946.

Director,
Department of

(26)

Government of Palestine.

DEPUTY DIRECTOR OF LAND SETTLEMENT
JERUSALEM
10 JUNE 1946
No. GP/5/18(23)
Rec'd

In replying to this letter please quote the date and reference number.

L/101/45

Chief Secretary's Office,
Jerusalem.

GOVERNMENT OF PALESTINE

10 June, 1946.

Director of Land Settlement.

I am directed to refer to your letter No.GP/5/18(23) dated the 4th April, 1946, on the subject of re-settlement of ex-soldiers and to inform you that the High Commissioner in Ex-Co. has approved the recommendations of the State Domain Inspection Committee that State Domain Block 7878, Parcel 7, and Block 7877, Parcel 10, at Qalansuwa village, Tulkarm Sub-District should be made available for ex-soldiers.

(M. Nasir)
for CHIEF SECRETARY.

Copy to:- District Commissioner, Samaria
for information.

25

GP/5/18(23)

23rd May, 1946.

Chief Secretary.

Reference Your GP/185/2/2/43 of 20th March, 1946, and my GP/5/18(23) of 4th April, 1946; The Jewish Agency are pressing for a decision.

Acting DIRECTOR.

Copy to District Commissioner, Samaria District. Ref. Chief Secretary's letter under reference - a copy of which was sent to you, with copy of my above quoted letter.

---

P.

COPY.

SECRET.

GP/5/18(23) 4th April, 1946.

Chief Secretary.

Subject:- Re-settlement of ex-soldiers - State Domain, Block 7878, Parcel 7 and Block 7877, Parcel 10 - Qalansuwa, Tulkarm Sub-District.

Reference: Your SF/185/2/2/43 of 20th March 1946.

The A.D. Hirings has now informed me that the Army does not require these lands any longer. There are now no buildings on the land, only some roads and hard-standings, and the Area Hirings Officer has been instructed to hand it over to the Assistant District Commissioner concerned.

Sgd. J.M. Berncastle.
Acting DIRECTOR.

P.

D. Lu

24

GP/5/18(23) **SECRET.**

4th April, 1946.

Chief Secretary.

Ref. 26
Rem. 25

Subject:- Re-settlement of ex-soldiers - State Domain, Block 7878, Parcel 7 and Block 7877, Parcel 10 - Qalansuwa village, Tulkarm Sub-District.

Reference: Your SF/185/2/2/43 of 20th March 1946.

23

The A.D. Hirings has now informed me that the Army does not require these lands any longer. There are now no buildings on the land, only some roads and hard-standings, and the Area Hirings Officer has been instructed to hand it over to the Assistant District Commissioner concerned.

(Sgd) J. M. Berncastle
Acting DIRECTOR.

Copy to GP/5/18(12).

P.

23

*Government of Palestine.*

*In replying to this letter please quote the date and reference number.*

SF/185/2/2/43.

*Chief Secretary's Office,*
*Jerusalem.*

20 March, 1946.

Director of Land Settlement.

I am directed to refer to my letter No.L/101/45 of 29.10.45 on the subject of State Domain at Qalansua in the Tulkarm Sub-District and to request that you should furnish an early report as to how the matter in regard to the area in question now stands.

DEPARTMENT OF LAND SETTLEMENT
HEADQUARTERS JERUSALEM
22 MAR 1946
GOVERNMENT OF PALESTINE

CHIEF SECRETARY.

Copy to: D.C. Samaria, ref. my L/101/45 dated 29.10.45.

" " L/101/45

22

GP/5/18(23).

SECRET

31st October, 1945.

A.D. Hirings,
Pal.Base & L. of C.

Subject : Hiring No.1609 - Tulkarm Staging Camp.

Reference : Your 35646/Hgs. of 2nd November, 1943.

19

This camp incorporates Parcel 7 of Block 7878 and Parcel 10 of Block 7877, which are State Domains and are now applied for by the Jewish Agency for re-settlement of Jewish ex-soldiers.

2. I shall be obliged if you will inform me as to the extent and probable duration of the Army's requirement of these parcels. When the land was inspected by an officer of this Department a few months ago, it was found to be intersected with roads and studded with occasional small buildings such as cook-houses and latrines but no one was actually occupying it.

(Sgd) J. M. Berncastle

Actg. DIRECTOR.

Copy to: SD/2(5).

WT.

*Government of Palestine*

*In replying to this letter please quote the date and reference number.*

L/101/45

*Chief Secretary's Office,*

*Jerusalem.*

29 October, 1945.

S E C R E T

Director of Land Settlement.

I am directed to refer to your letter no.SD/2/5 of 5th October, 1945 on the subject of State Domain for the resettlement of ex-soldiers and, in regard to the recommendation of the State Domain Inspection Committee that Parcel no.7 of Block 7878 and Parcel no.10 of Block 7877 in Qalansua village, Tulkarm sub-district, should be made available for Jewish ex-soldiers, to request that you will obtain information as to the extent to which and period for which this land has been leased by the Army and and as to the probable duration of the Army's occupation thereof. Information should also be obtained, if possible, as to whether there is any likelihood of extension by the military authorities of the transit camp which, it is understood, is established on part of the land in question.

DEPARTMENT OF LAND SETTLEMENT
HEADQUARTERS JERUSALEM
30 OCT. 1945
File G/5/18/23
Dated
GOVERNMENT OF PALESTINE

D.C. MacGillivray
CHIEF SECRETARY.

Copy to : District Commissioner,
Samaria District.

GP/5/18(23).

(20)

6th November, 1943.

Conservator of Forests.

Subject :- State Domains GP/5/18(12) and (23) Qalansuwa Village Tulkarm Sub-District.

Reference:- My letter No.GP/5/18(23) dated 28th October, 1943 to D.A.D. Hiring with copy to you.

(18)

I enclose herewith a copy of a letter No.35646/Hgs of 2nd November, 1943 received from D.A.D, Hirings for your information.

ACTING DIRECTOR OF LAND SETTLEMENT.

Copy to:- GP/5/18(12).

RC.

SUBJECT:- Hiring No.1609 - Tulkarm Staging Camp.

HIRINGS SERVICE
HQ PAL BASE & L OF C
Tel.4651-Ext.162.
35646/Hgs.
1 Nov. 43.

A/Director of Land Settlement,
Jerusalem.

Reference your GP/5/18(23) of 28 Oct 43.

1. The small areas severed from parcels No.7 of Block No. 7878 and Parcel No.10 of Block No. 7877 will now be brought inside the perimeter of the camp and the protection sought will thus be insured.

Lt.-Colonel,
A.D. Hirings,
Pal.Base & L. of C.

ACW/MS.

18

GP/5/18(23).

28th October, 1943.

D.A.D. Hirings,
Palestine Base & L of C.

Subject:- Hiring No.1609 -
Tulkarm Staging Camp.

Reference:- Your letter No.
35646/Hgs of 26th
September, 1943. 14

There is no objection to the above mentioned parcels being occupied by the Army free of rent provided that the Army accepts full responsibility for the protection of the small plots excluded from the camp. These plots are so small that their protection by Government may present some difficulty under the circumstances.

[illegible] R. [illegible]ARDINE

ACTING DIRECTOR OF LAND
SETTLEMENT.

Copy to:- Conservator of Forests,
w.r.t. His R/7/37 of
24.10.1943. 17

NB.

17

DEPARTMENT OF FORESTS,
KATAMON
JERUSALEM.

Tel.:- 4224.

F/7/37. 24th October, 1943.

Director of Land Settlement.

Subject :- State Domain GP/5/18(12) (Forest Reserve Kh. Abu Kharaze North, No. 299 (part of)).

Reference:- Your GP/5/18(23) of 13.10.43.

The two parcels under this State Domain number were taken over by this Department for protection only pending other arrangements for their development. That being so, I have no objection to offer to their use by the Army. The parts of each parcel excluded by the Army from their camp are so small that their protection may present some difficulty under the circumstances. I suggest that if the Army wants the remainder of the land rent free they should, in addition, accept full responsibility for the protection of those small plots.

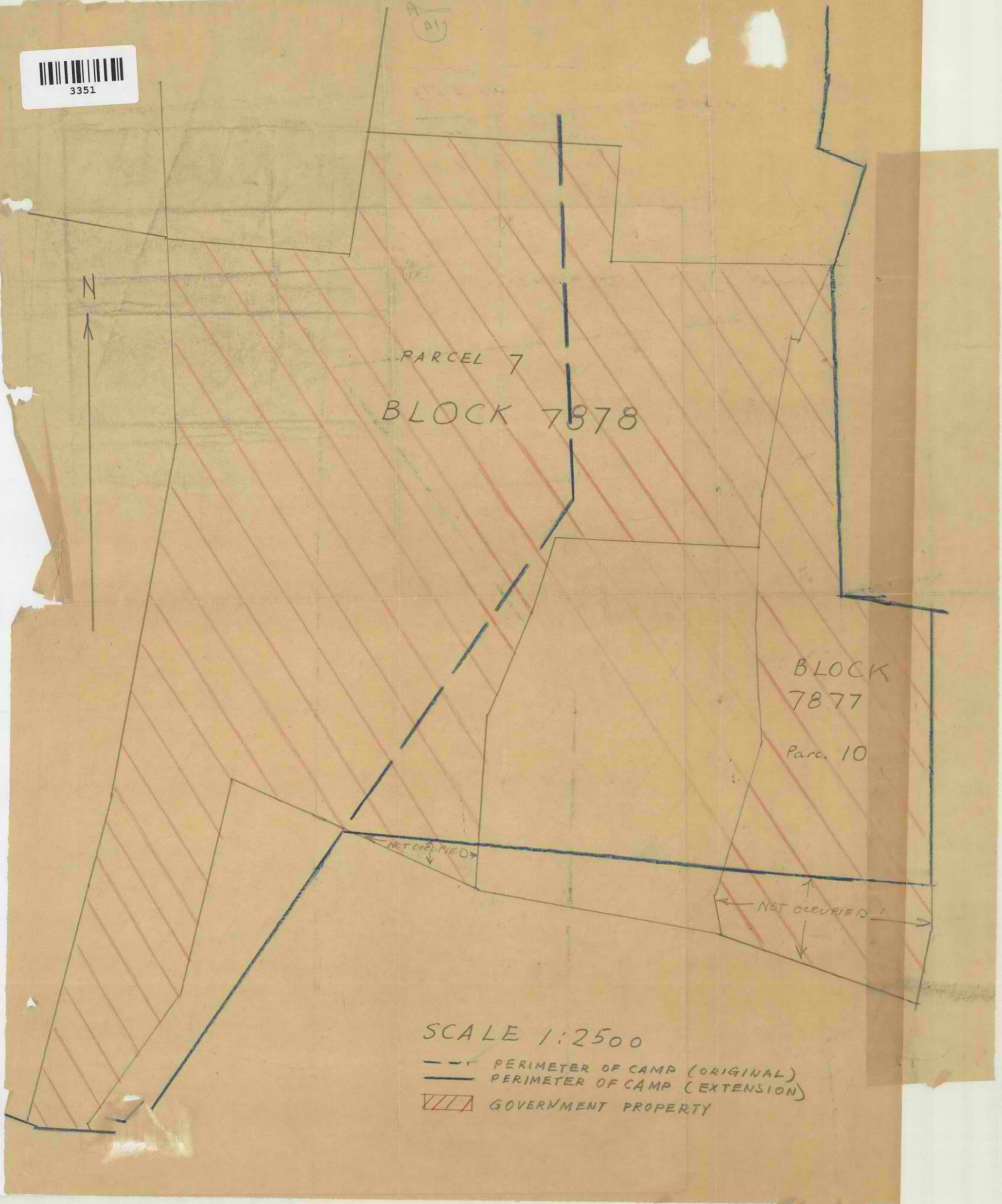
2. The tracing returned herewith.

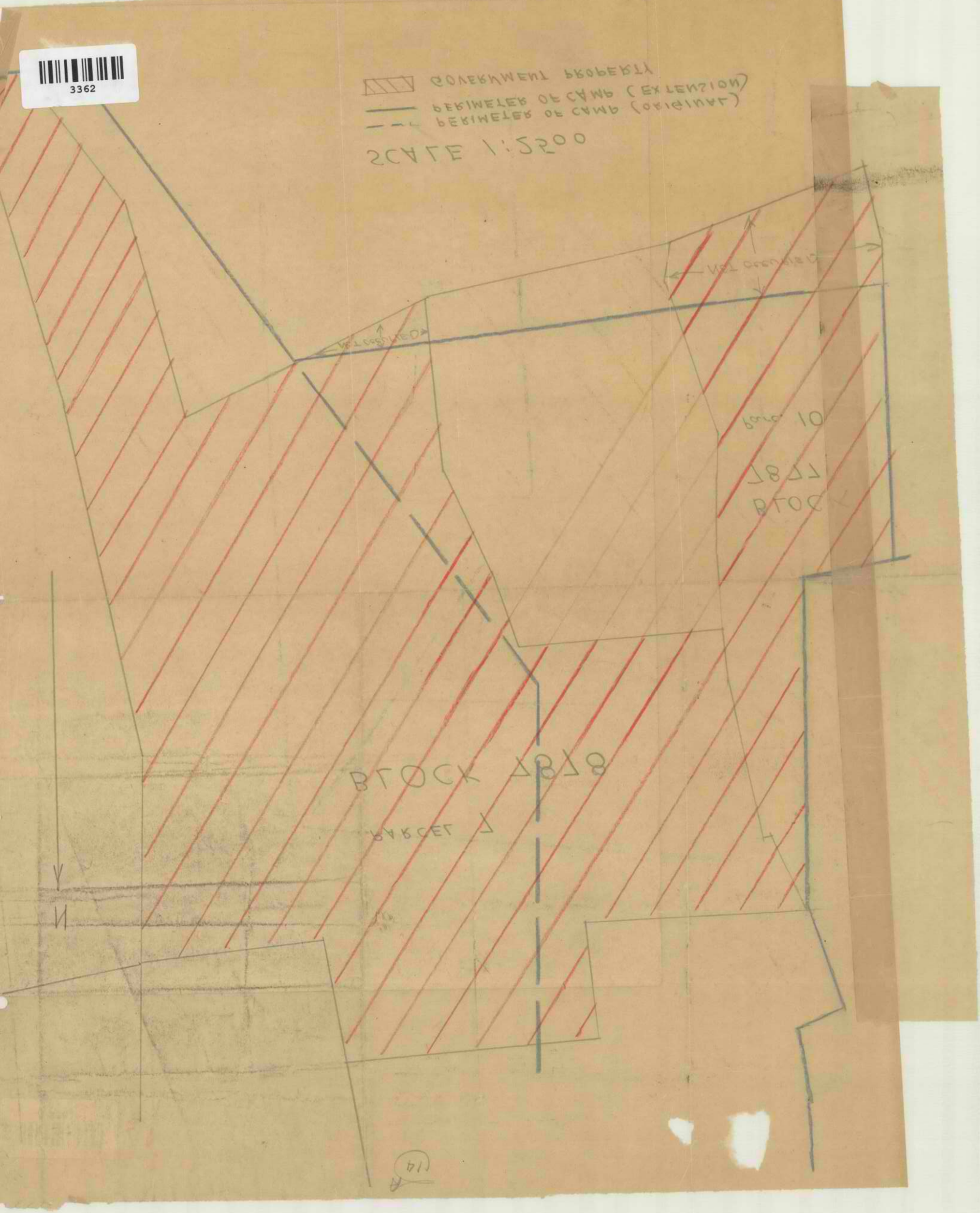
CONSERVATOR OF FORESTS.

GNS/AV.

Copy to D.O.N.D. with copy of letter under reply.

| lage or Tribe | Name of Owner | Residence of Owner | ANIMALS FOR PASTURE | | | | | COUNTED FOR HER | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | Sheep | Goats | Bovines | Equines | Camels | Sheep | Goats | Camels |
| | | | | | | | | | | |


N
PARCEL 7
BLOCK 7878
BLOCK
7877
Parc. 10
NOT OCCUPIED
NOT OCCUPIED
SCALE 1:2500
PERIMETER OF CAMP (ORIGINAL)
PERIMETER OF CAMP (EXTENSION)
GOVERNMENT PROPERTY


GOVERNMENT PROPERTY
PERIMETER OF CAMP (EXTENSION)
PERIMETER OF CAMP (ORIGINAL)
SCALE 1:5200
NOT CONSIDERED
NOT CONSIDERED
BLOCK 4B/18
PARCEL 1
BLOCK 4B/18
PARCEL 10
N

16

GP/5/18(23).

13th October,1943.

Conservator of Forests.

Subject:- State Domain GP/5/18(12) and (23) Galansuwa - Tulkarm S/D.

I enclose herewith for any observations, copy of a letter No.35646/Hgs of 26th September, 1943, together with a tracing received from the D.A.D. Hirings, Palestine Base and L. of C. which are self explanatory.

2. According to the records of this office the above mentioned properties were allotted to you on 18.11.40 under my letter GP/5(18) and were declared as Forest Reserves No.299, in Palestine Gazette No.1080 of 27th February,1941.

3. Please return the tracing with your reply.

(Sgd) J. H. Bernstein

ACTING DIRECTOR OF LAND SETTLEMENT.

Copy to:- GP/5/18(12).

NB.

Mr Ramarte

The two properties were allotted to Conservator Pereira on 18.11.40 and I suggest referring the matter to him for consideration.

7/10

Mr. Ramarte.

Geo. [illegible]

Director [illegible]

# STATISTICS

| ORIES 5—8 STATIONS | | CATEGORIES 9—13 TAXABLE CEREAL | | | CATEGORIES 14—15 UNTAXABLE CEREAL | | | |
|---|---|---|---|---|---|---|---|---|
| Jews | Total | Non-Jews | Jews | Total | Non-Jews | [illegible] | Total | Non-Jews |
| | | | | | | | | |

(14)

HIRINGS SERVICE
H.Q.PAL BASE & L OF C.
35646 /Hgs
No Sep 43

SUBJECT:- Hg.No.1609 - ~~Tulkarm~~ Staging Camp

The Director of Land Settlement,
Jerusalem

STATE DOMAIN

| | B LOCK No. | PARCEL No. | AREA DNS.SQ.M. | | |
|---|---|---|---|---|---|
| + | 7878 (part of) | 7 | 296.110 | 1609/1 | SP/5/18(23) |
| ++ | (7878 (part of) | 7 | 102.004) | 1609/2 | SP/5/18(12) |
| | (7877 (part of) | 10 | 79.250) | | |

W.D. has occupied the land described above, w.e.f. + 1.2.42
++ 30.10.42.

2. W.D. is prepared to compensate Government for any loss of revenue that may have been sustained in consequence.

3. If no such loss of revenue is involved, it is requested that you will confirm that Government agrees to the land being occupied by W.D. free of rent for as long as military necessity may require.



Major,
D.A.D.Hirings,
Pal Base & L of C.

P.S. Tracing attached.

Copy to:-
A.H.O.
Samaria.

Mr. Hangmann - Pal
see whether any
loss of revenue
is involved

Hq.No.1609 - Tullahoma Staging Camp

| | | | | |
|---|---|---|---|---|
| + 7878 | (Part of) | 7 | 296.110 | 1609/1 |
| ++ (7878 | (Part of) | 7 | 102.004) | 1609/2 |
| (7877 | (Part of) | 10 | 79.250) | |

+ 1.2.42
++ 30.10.42.

GP/5/18(23). ✓

DEPARTMENT OF LAND SETTLEMENT,
JERUSALEM.

13

1st February, 1943.

Asst.District Commissioner,
Tulkarm.

Subject:- Government Property - Parcel 7 of Block 7878, Qalansuwa village, Tulkarm Sub-District.

Original parcel 3 of Block 7878 Qalansuwa village has been cancelled by the Order of the Settlement Officer, Tulkarm, and has been mutated into a new parcel 7.

2. I shall be grateful, therefore, if you will cancel the History Sheet and the entry in the Record Book No. 33 folio 43 and substitute it by the attached History Sheet.

Mr. Beal
cancel
in charge
the pass to Mr. Lowe

DIRECTOR OF LAND SETTLEMENT.

Action Taken

Copy to:- Chairman, Central Housing Commission with copy of History Sheet & who will please cancel the previous History Sheet.

" " Asst.Conservator of Forests, Northern Division - Ref.His letter No.FND/5/6/4 of 23.12.42, with two copies of History Sheet.

" " Registrar of Lands, Tulkarm, with copy of History Sheet and who will please cancel the old History Sheet.

RC.

Action Taken

STATE DOMAIN No. GP/5/18(23)

13a

Town or Village:- Qalansawa . Tulkarm Sub-District.

Situation:-

Land Registry Deed 355/1938 Vol. Folio Date 19th April 1938

Block No.:- 7878 Block Name:- Al jummeiza and al Masha' ash Sharqi.

Parcel No.:- 7 Name of Property:-

Category of Property:- Miri

Area 402 Dunums 054 Sq. Metres

Share In whole

Description:- Arable Land

Other Rights Affecting Property:- Encumbered with right of way in favour of parcel 7878/11 .

Remarks:- Entered in Book No. 152

Folio No. 49

Declared as Forest Reserve No. 299 Published in P.G. No. 1080 of 27.2.41

# ANNUAL RECORD

PGP/3

GPP. 15419—2000—31-5-42

| Term | | How Occupied | Estimated Capital Value | Rent Book | | Annual Rental | |
|---|---|---|---|---|---|---|---|
| From | To | | L. P. | Vol. | Fol. | L. P. | Mils |
| 18.11.1940 | | Allotted to Conservator of Forests. | | | | | |
| 1.1.47 | 31.12.47 | The Keren Kayemeth Leisrael Ltd. (Licensed by letter with 6/5/1942) | | II | 8 | 5 | 000 |

1c

C O P Y

LD.53/1/30-735.

DIRECTOR OF LAND REGISTRATION.
P.O.B. 190,
JERUSALEM.

27th January, 1943.

Director of Land Settlement.

Subject :- Amendments of Certificates of Registration.

Reference:- Your letters No.GP/5/18/12 and 23 of 5.1.43.

I enclose herewith two certificates of registration in respect of parcels 7878/7 and 7877/10 duly amended as requested.

(Sgd.) ?
for DIRECTOR OF LAND REGISTRATION.

RC.

GPP. 4683—510/500—2/12/37.

| CATEGORY 16 UNCULTIVABLE | | | CATEGORIES 1—16 TOTAL | | | |
|---|---|---|---|---|---|---|
| Jews | Roads, Railways, Rivers and Lakes | Total | Non-Jews | Jews | Roads, Railways, Rivers and Lakes | Total |

//

Land Settlement,
/XXXXXXXXXXX

XXXXXXXXXXXXX

XXXXX

GP/5/18(23).

5th January, 1943.

XXXXX

Director of Land Registration.

Subject :- Amendment of Certificate of Registration.

The Settlement Officer, Tulkarm Settlement Area, issued an amending Order No.3011 dated 10th January, 1940 in which he ordered the cancellation of Parcel 7878/3 and its mutation to parcel 7878/7. I shall be grateful, therefore, if you will instruct the Registrar of Lands to amend the attached certificate of registration for Parcel 7878/3 and return it to me after amendment.

DIRECTOR OF LAND SETTLEMENT.

RC.

10

Land Settlement,
//xxxxxxxxxxxx

xxxxxxxxxxxxxx

xxxx

GP/5/18(23).

5th January, 1943.

xxxxx

Director of Surveys.

Subject :- Amendment of Registration Block Plan No. 7878 Galansuwa Village, Tulkarm Sub-District.

I am given to understand that Parcel 3 of Block 7878 has been cancelled and mutated to Parcel 7878/7. My copy of the plan is enclosed herewith and I shall be grateful if you will bring it up to date and return it to me after amendment.

DIRECTOR OF LAND SETTLEMENT.

Copy to:- Asst.Conservator of Forests,
Ref.his letter No.FND/5/9/4 of
23.12.42.

RC.

FND/5/Q/4.

DEPARTMENT OF FORESTS,
P.O.B. 499,
HAIFA.

23rd December, 1942.

Director of Land Settlement,
Jerusalem.

Subject :-State Domains GP/5/18/23) and GP/5/18(12.-Qalansuna village, Tulkarm Sub-District.

The above mentioned areas which have been allotted to the Conservator of Forests for protection were described as hereunder in the schedule appended to the block index plan of Qalansuwas which you forwarded to the Department of Forests together with the allotment:-

| State Domain No. | Block No. | Parcel No. | Area in dunams |
|---|---|---|---|
| GP/5/18(23) | 7878 | 3 | 452.258 |
| GP/5/18(12) | 7877 | 8 | 147.918 |

2. They have been accordingly described in the Proclamation of these areas as a Forest Reserve under serial No.299 in Gazette No.1080 of 27.2.41.

3. On the occasion of a recent inspection of the reserve boundaries for control purposes it has been necessary to consult the original 1/2500 registration block plans and it was found that according to these plans parcels 7878/3 and 7877/8 had been cancelled and, it appears, substituted respectively by parcels 7878/7 (402.054 dunams) and 7877/10 (103.405 dunams) with reduced boundaries and areas.

4. I shall, therefore, be glad if you will provide me with up-to-date copies of the history sheets and maps of the above mentioned State Domain areas in order to enable an effectual control over them and, if necessary, to amend the reserve proclamation.

BY/RR.

ASSISTANT CONSERVATOR OF FORESTS,
NORTHERN DIVISION.

ل. ٢٤ L. 24

# GOVERNMENT OF PALESTINE

حكومة فلسطين

ממשלת פלשתינה (א״י)

№ 59685

## FOREST SERVICE שרות היער مصلحة الغابات

(E) Licence issued under the Forests Ordinance, 1926, to extract forest produce from privately owned forest land for trade pnrposes.

(ه) اعطيت هذه الرخصة بموجب قانون الغابات لسنة ١٩٢٦ لاخذ نتاج الغابة من اراضي الغابات المملوكة الخصوصية لمقاصد تجارية

(ה) רשיון שנתן ע״פ פקודת היערות 1926, להוציא תוצרת־יער מאדמות יער פרטיות למטרות מסחר

Name and residence of licensee محمود عبد الحماد / كفر جماعين

اسم ومكان اقامة المرخص له

שמו ומקום מגורו של בעל הרשיון

Amount and kind of produce عشرون قنطار كلس

מקדר ונוע הנתאج

כמות התוצרת וסיגיה:

Timber

حطب

עצי בנין

Firewood

حطب وقيد

עצי הסקה

Charcoal

فحم

פחמי עץ

Lime عشرون قنطار كلس

كلس

אבני סיד

Other Produce

نتاج آخر

תוצרת אחרת

Fees paid L.P. — 400 Mils الرسم المدفوع ف ٤٠٠ مل

המס הנשלם. לא״י

Name of Forest Land موقع الدوك

اسم ارض الغابة

שם אדמת־היער

Place of extraction قوصيه

مكان اخذ النتاج

המקום שמוציאים שמנו

GP/5(18)

8

DEPARTMENT OF LAND SETTLEMENT
JERUSALEM.

18th November, 1940.

Conservator of Forests.

Subject:- State Domain No. GP/5/18(23)
Parcel No. 3 Block No. 7878
Qalansuwa Village,
Tulkarm S/D.

The Chief Secretary has authorised the temporary allotment to your Department of the above property for protection and it is hereby allotted.

Maurice O'Connell
DIRECTOR OF LAND SETTLEMENT.

Copy to: Chairman,
Central Housing Commission.
District Officer, Tulkarm.
✓ File GP/5/18. (23)

F. 67

GOVERNMENT OF PALESTINE.

Sub Voucher No. .....

# HIRE OF TRANSPORT CERTIFICATE.

Name ..... Office .....

GPP 743—20,000—16-4-36 145/S.

| Date of journey | PLACE | | No. of kilos | Particulars of duties performed and reasons necessitating hire |
|---|---|---|---|---|
| | From | To | | |
| | | | | |

7

GOVERNMENT OF PALESTINE

IN REPLY PLEASE QUOTE
No. 260

DISTRICT OFFICES.
TULKARM.


9.8.38

Commissioner for Lands,
& Surveys

P.A. / L.C.A. 11.8.38.

Subject:-Government Propert es
Qalansuwa.

Reference:-Your GP/5/18(23) of 4.8.38. 6

This property was not registered as a State Domain before settlement.

DISTRICT OFFICER.

6

Ref. No.GP/5/18(23)

DEPARTMENT OF LANDS & SURVEYS,
JERUSALEM.

4th August 1938.

To District Officer,
Tulkarm.

REPLIED 7

Subject:- Government Properties.
Qalansuwa

Reference: My letter No.GP/5/18(23)
of 28th May 1938.

I shall be obliged if you will let me have an early reply to my letter No. GP/5/18(23) dated 28th May 1938. on the above subject.

A/COMMISSIONER FOR LANDS
AND SURVEYS.

/P

Mr. Ansari.

Send reminder to D.O.

P.F. when Mr. Nassar comes back from leave.

M.C.A.

3/8/1958.

P.11
9/9/58

AD.

Parcel No. 3 of Block 7878 - Qalansuwa = 452.258 Dms.

The above parcel is one of several parcels adjudicated by the Settlement Officer, Tulkarm, in favour of Government in accordance with his decision of 13.9.1937 in Cases 90-103/Qalansuwa.

In the last paragraph of the above decision, the Settlement Officer adds "a strong recommendation that they be granted as waqf to the villagers of Qalansuwa as a whole on payment of Bedl Mithl."

On 28.5.1938 we wrote the the District Officer, Tulkarm, to ascertain whether this property was included in the old State Domain list, i.e. in the list compiled prior to land settlement. Till now we have no reply. I propose to send a reminder.

In any case it is important for Government to know whether the land is occupied by anybody or whether it is vacant. If it is occupied, by whom and on what ground, or under what terms, in order to enable us to make satisfactory arrangements to safeguard Govt. interests in this land.

In general it is essential that Govt. do not sleep on their rights in lands adjudicated to Govt. and thus enable the public to acquire prescriptive rights by possession for long periods. These lands should be occupied by Govt. directly or through lessees, or at least other persons, such as trespassers, should be prevented from occupying these lands, and if they have arbitrarily occupied they should be ordered to vacate or evicted. Enormous areas were lost to Govt. because members of the public proved possession or prescription adverse to Govt. in accordance with Art. 78 of the Land Code.

As regards the parcel referred to above it is suggested that if Govt. wishes to consider the recommendation of the Settlement Officer and decides to grant the land on payment of Bodi kuthi, then the District Authorities should invite the persons concerned to pay Bodi kuthi. If they refuse immediate steps should be taken to clear the land and look for lessees unless the area is earmarked for any special purpose.

I suppose that your decision as regards this parcel would apply to other lands adjudicated to Govt. at Land Settlement, especially to such parcels which the Settlement Officer remarks that certain persons are entitled to obtain the lands against payment of Bodi kuthi.

[illegible]
2/8/38.

Mr Altassir

It is intended that a committee, constituted of three years Settlement, consisting of the Development officer, Conservator of Forests, L&DO representative & possibly other officer, shall inspect all parcels adjudicated to Settlement & put up recommendations in regard to their disposal. This list of items will be dealt with by this committee as soon as it represents for disposal suitable lands.

[illegible]
3. 8. 38

GP/ 5 /18 (23)

OFFICE OF THE
COMMISSIONER FOR LANDS AND SURVEYS
MAMILLAH ROAD,
JERUSALEM.

28th May 1938

District Officer,
Tulkarm

Subject: Government Properties-

I enclose herewith One History Sheets (GP/3) in respect of the properties which have been registered after Land Settlement in the name of His Excellency the High Commissioner in trust for the Government of Palestine.

2. State Domain numbers have been allotted to each property and I shall be grateful if you would use these numbers in future correspondence.

3. Please inform me if any of these properties have been recorded as State Domain before Land Settlement in order to enable me to close the old records.

Maurice Bennett
for COMMISSIONER FOR LANDS
AND SURVEYS.

Copy to : Registrar of Lands.
Tulkarm.

/EA.

## State Domain No. GP/5/18(~~22~~ 23)

Town or Village :- Qalansuwa Tulkarm Sub-District.

Situation :-

Land Registry Deed 355/38 Vol. Folio Date ~~25th~~ 19th April 1938

Block No. :- 7878 Block Name :- Al Jummeiza and al Mash'a Ash Sh arqi.

Parcel No. :- 3 Name of Property :-

Category of Property :- Miri.

Area 452 Dunums 258 Sq. Metres

Share In whole.

Description :- Arable Land

Other Rights Affecting Property :- Enjoys right of way over parcel 7878/4

Remarks :- Entered in book NO. 33

Folio NO. 42

This parcel was recomended by the Settlement officer as Mashaa for the Villagers on bayment of Bedl Mithl - See folio 154 of GP/5/18

Declared as Forest Reserve No 299 Published in Palestine Gazette No 1080 dated 27.2.1941

Cancelled Rl. See New Folio

Cancelled Rl. See New Folio 1943 February 1 A.

T.M. 2.2.43

PGP/3

## Annual Record

GPP. 3651—3000—24.6.37

| Term From | Term To | How Occupied | Estimated Capital Value L.P. | Rent Book Vol. | Rent Book Fol. | Annual Rental L.P. | Annual Rental Mils |
|---|---|---|---|---|---|---|---|
| 18. 11. 1940 | | Allotted to Conservator of Forests | | | | | |

GP/5/18-(~~33~~) 23

Registrar of Lands
Tulkarm.
3rd May 1938



Commissioner for Lands and Surveys,
Jerusalem.

---

Subject :- State Domain-
Qalansuwa.
Reference :- Your GP/5/18(33)
dated 29.4.38

I beg to return back the Certificate of Registration forwarded under your covering letter duly amended.

Error is regretted, please.

REGISTRAR OF LANDS.

RK.

23

GP/5/18(~~23~~)

29th April,1938.

REPLIED 2

Registrar of Lands,
Tulkarm.

Subject:- State Domain - Qalansuwa.

Reference: Your GP/5/18-692 of 25.4.1938.

Please re-submit the enclosed Certificate of Registration No.118606 after having corrected the parcel number in either of the places marked.

2 A/COMMISSIONER FOR LANDS AND SURVEYS.

/RA

State Domain Inspection Committee that State Domain Block 7878 Parcel 7 and Block 7877 Parcel 10 at Qalansuwa village Tulkarm Sub-District should be made available for ex-soldiers.

The two parcels have accordingly been leased to the K.K.L.L. for a period of one year starting from 1st January, 1947 to 31st December, 1947. The lease agreement has been signed by both parties.

The Jewish Agency on 27th February 1947 wrote to the Director of Land Settlement saying that this plot of land GP/5/18(23) was not available for their occupation since 50 dunums of it are being occupied by Arab trespassers. They request the immediate vacation and the handing over of the land to the K.K.L.L.

Copy of this letter was sent to the A.D.C. Tulkarm asking him to investigate the position and let us know how the Arab cultivators can be dealt with. The Jewish Agency further wrote that the Local Authorities were not willing to take adequate steps unless they ~~review~~ received explicit instructions to evict the trespassers, if necessary by force.

On 6.3.47 the Mukhtar, Notables and Members of the Village of Qalansuwa addressed a telegram to his Excellency stating that the lands are Arab lands and are the property of the village they shall not allow anyone else to occupy these lands while they are living.

The A.D.C. in reply to D.L.S.'s letter stated that the matter has aroused considerable feeling in the Arab press and must be dealt with carefully.

and 116/38. In its Judgment the Appellate Court said:

".....Moreover the consolidation has so confused matters that "it is impossible to discover from the note what party is talking.....

~~Cases cannot be properly tried in this manner~~ ~~and~~ the cases ~~are returned~~ for retrial"

(4.5.38)

The Settlement Officer reheard these cases separately in accordance with the instructions of the Land Court and in his 2nd Judgment the Settlement Officer stated that Ifind nothing new adduced which would lead me to alter the disposition of any parcel or any part of a parcel in these cases as decided in my original judgment. The Judgment therefore stands and it is not necessary to send any further Amending Order to the Land Registry.

(20.3.39)

Again this decision was appealed to the Land Court which gave its judgment in Cases 18/39 and 21/39 quashing the Judgment of the Settlement Officer dated 20.3.39 as the Settlement Officer did not comply with the instructions of the Land Courts given in Cases 12/38, 13/38 and 116/38 mentioned previously".

(8.7.1939)

The Settlement Officer in his 3rd trial in Case 90/Qalansuwa stated that the parties have come to an amicable settlement. The parties are the Mukhtar as plaintiff on behalf of some of the people

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to say. They did not apply for registration. For the most part the land remained bur". As other localities were registered and sold, this remainder became of more importance. When the boon took place, it became of the first importance.

I consider the first act of the 24 qirat holders in seizing the land to have been an arbitrary and illegal one. Being nominally Masha', no body could occupy a separate parcel and claim it by possession. Even such parcels as xx are claimed by individual holders are not fully, or even largely cultivated. I do not see, therefore how either any individual claimant or the Masha' group of holders as a whole can plead prescription or by occupation against the Government. I do not agree that the 24 qirat holders have any right either against Government or against the village inhabitants as a whole, and the village as a whole has not, up to now participated in the Masha'.

But arguing from the premise that the lands in dispute have been held in theory as Masha' of some sort I wish to emphasize the right of the village as a whole in the Masha' lands of their native place. I rule therefore that the parcels in dispute as defined earlier in this decision shall be registered in the name of the Government of Palestine and I add a strong recommendation that they be granted as Masha' to the villagers of Qalansuwa as a whole on payment of Badl Mithl". (pages 10-12 of the decision)

(13.9.37)

The decision of the Settlement Officer in the 14 consolidated cases was appealed by three different parties and the Land Court in its appellate capacity gave three separate Judgments under Appeal No.12/38, 13/38

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HISTORICAL NOTE ON PARCELS 7877/10 and 7878/7.

The two Parcels 7877/10 (GP/5/18(12) and 7878/7 (GP/5/18(23) were claimed at "Land Settlement" by a section of the village of Qalansuwa as part of 24 Qirats (shares) allotted to them when the Masha' lands were distributed between the inhabitants of Qalansuwa. The Mukhtars on behalf of the whole village claimed these parcels as Masha' to the village as "Grazing land". The Government claimed these parcels as Mewat or land revived from Mewat.

The Settlement Officer in his decision dealt with the claim of each of the 3 parties.

Masha' claim (the villagers): The claim is very badly presented and if taken on its merits has no strength. There is no assignment for grazing. Technically speaking there can be no claim to possessory title by cultivation of any land what is grazing land and there can be no grazing rights within cultivated lands. Large areas of the Masha' are "bur" and do no signs of having been cultivated for many years, if ever. No doubt any body could graze his animals at will in these places where grass in the winter is fairly abundant. (Pages 8 and 9 of the decision).

The Settlement Officer continues in his decision and states:

Holders of 24 ~~xkar~~ qirats. The tenure is restricted by custom - not ab antiquo but it is uncommon only in degree and not in kind. I do not agree with the condition that Masha' can only exist when the whole of the village participate. If, when the 24 qirat holders divide the world between them, they had also marched to the Tabu and obtained registration, there would be nothing more

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and accordingly the parcels were allotted to the Conservator of Forests.

The two parcels were occupied by the War Department on 1.2.42 and 30.10.42 and the Conservator of Forests had no objection to the occupation specially that the areas were handed to the Forests for protection purposes only pending other arrangements for their development.

The Chief Secretary in his letter SF/185/1/43 dated 11th May, 1944 addressed the Director of Land Settlement with regard to the application of the Jewish Agency on the problem of demobilization and that Government should make available State Domain for re-settlement of ex-service men. Accordingly a Committee was composed to deal with the requirements: The Committee's report on the two parcels was: This is an area of undulating land contiguous to Jewish owned land. The soil is mainly loamy sand. It is not good agricultural land but is capable of being improved and producing crops. It is at present studied with occasional small buildings(latrines and cook-houses) and intersected by roads of a Military Camp. The Committee recommends that subject to Military requirements this land could be made available for ex-soldiers.

The Chief Secretary in his letter L/101/45 dated 10th June, 1946 approved the recommendation ~~mfxthe~~ the letter runs as follows:-

"I am directed to refer to your letter GP/5/18(23) dated 4th April, 1946 on the subject of re-settlement of ex-soldiers and to inform you that the High Commissioner in Ex-Co. has approved the recommendations of the

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of Qalensuwa, defendents totalling 273 and third parties totalling 89. (Note the Settlement Officer in this decision dealt with provisional parcel of which block is not known and the decision is not clear)

These two Parcels GP/5/18(12) and (23) were referred to the State Domain Inspection Committee and the recommendation of the Committee was as follows:-

"The Settlement Officer's recommendation to grant the latter parcel on payment of Badl el Misl was not agreed to but it was recommended that the area should be placed under the protection of the Conservator of Forests for the next three years and that its permanent disposal should be re-considered having regard to possible "landless Arab problems"

(21.10.40)

The recommendation of the State Domain Inspection Committee was reviewed by a higher Committee namely the State Domain Committee composed of Messrs.D.G.Harris, M.C. Bennett and A.U.L. Savage whose recommendation was :-

"We recommend that this area also be made over to the Conservator of Forests temporarily for protection and that the decision as to its final disposal be postponed. Here again the possibility of an exchange for land contiguous to the proposed fresh reserves, whether by direct exchange or by a process of sale and purchase, appears to us to be worthy of exploration".

(1.11.40)

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